

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004 - 0074**

**DELEGATION OF AUTHORITY TO APPROVE CERTAIN
UNDERGROUND STORAGE TANK LOANS AND GRANTS AND TO EXECUTE
CONTRACTS, GRANT AGREEMENTS, AND AMENDMENTS TO DISBURSE LOAN AND
GRANT FUNDS FROM THE PETROLEUM UNDERGROUND STORAGE TANK FINANCING
ACCOUNT (FINANCING ACCOUNT)**

WHEREAS:

1. Chapter 6.76 of Division 20 of the Health and Safety Code establishes the Financing Account and authorizes the State Water Resources Control Board (SWRCB) to administer the account to conduct a loan and grant program to assist small businesses in replacing, removing, upgrading, or making designated improvements to petroleum underground storage tanks (RUST program);
2. Chapter 6.76 requires the SWRCB to approve RUST program loans and grants only for applicants who meet specified eligibility requirements, for specified purposes, upon certain specified terms, and with specified limitations;
3. The SWRCB is authorized to approve RUST program loans for amounts between \$10,000 and \$750,000, and to approve RUST program grants for amounts between \$3,000 and \$50,000;
4. Approval of RUST program loans and grants is routine and does not raise significant issues requiring consideration at SWRCB meetings; and
5. For efficient management of the RUST program, it is appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, or the Chief of the Division of Financial Assistance the authority to approve or deny RUST program loans and grants. It is likewise appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services the authority to execute contracts, grant agreements, and amendments with approved recipients of RUST program loans and grants.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Resources Control Board (SWRCB) hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Financial Assistance to approve or deny, consistent with statutory requirements, loan commitments up to \$750,000 and grant commitments up to \$50,000 for qualified applicants to the RUST program;
2. The SWRCB hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services to execute, for and on behalf of the SWRCB, loan contracts, grant agreements, and amendments to disburse funds from the Petroleum Underground Storage Tank Financing Account for approved RUST program loans and grants;
3. The Chiefs of the Division of Administrative Services and the Division of Financial Assistance may further delegate their responsibilities herein, in writing, as they deem appropriate; and

4. Except as otherwise specifically provided by the SWRCB, the Executive Director, or the Executive Director's designee, shall be the duly authorized representative of the SWRCB for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts and grant agreements to which the SWRCB is a party.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 18, 2004.

A handwritten signature in blue ink, appearing to read "Debbie Irvin", written over a horizontal line.

Debbie Irvin
Clerk to the Board